

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

RESOLUTION NO. Z.B.-2020-11

Application No. 2020-06

**RESOLUTION OF MEMORIALIZATION
APPLICATION OF MITCHELL and KATHRYN PYKOSZ
IMPERVIOUS LOT COVER
VARIANCE
BLOCK 54 LOT 7
IN THE RA LOW DENSITY RESIDENTIAL
ZONING DISTRICT
APPROVAL**

**Decided:
Resolution Memorialized:**

**August 3, 2020
September 3, 2020**

WHEREAS, Mitchell and Kathryn Pykosz made application to the Florence Township Zoning Board of Adjustment for an impervious lot coverage variance to permit construction of a 12 ft. x 24 ft. in ground pool with a 3 ft. wide concrete deck, at an 10,000 sq. ft. property located at 91 Wilbur Henry Drive, and known on the official Tax Map of the Township of Florence as Block 54, Lot 7;

WHEREAS, the applicants are the owners of the subject property;

WHEREAS, upon a finding that proper mailed and published notice was given by the applicant, so that jurisdiction was proper in the Board, the Board opened the public hearing on the application at its August 3, 2020 regular meeting;

WHEREAS, Mr. and Mrs. Pykosz appeared before the Board *pro se*, were sworn, and offered their testimony in support of the application;

WHEREAS, the Florence Township Zoning Board of Adjustment has made the following findings of fact and conclusions of law:

Findings of fact:

1. The applicants are the owner of the subject property, and therefore have standing to bring this application before the Board.
2. The subject property located at 91 Wilbur Henry Drive, in Florence Township's RA Low Density Residential Zone District and is known on the official Tax Map of the Township of Florence as Block 54, Lot 7,
3. Application has been made for an impervious lot coverage variance permit construction of 12 ft. x 24 ft. in ground pool with a 3 ft. wide concrete deck.
4. The subject property is an conforming lot of 10,000 sq. ft. Permitted impervious lot coverage is 25% (with 5% swimming pool/shed bonus), existing lot coverage is 31.6% and proposed lot coverage with the pool and deck is 36.7%.
5. The applicant has submitted proofs of service of notice and proof of publication, and the Board has jurisdiction to hear this application.
6. The applicant has submitted the following documents in support of its application
 - a. A completed Township of Florence Land Development Application;
 - b. A completed Township of Florence Variance Application Checklist of Submission Requirements;
 - c. A Township of Florence Tax Collector's Certification that no taxes were due on the subject property at the time of the application;
 - d. A Township of Florence Zoning Officer's Certification that variance relief is required;
 - e. A survey plan dated 05/29/2020 entitled "Topographic Survey & Pool Grading Plan" prepared by Thomas A. Harris, Jr., PLS, which shows the property outbounds, and the locations of existing and proposed improvements;
 - f. A statement in support of the variance request prepared by the applicant which includes a series of photos of the subject property and its surroundings.

7. The Board's Engineer, Hugh J. Dougherty, P.E., C.M.E. of Pennoni Associates, Inc., Consulting Engineers, submitted a review letter dated July 14, 2020 commenting upon the application which is hereby incorporated into the record.
8. The proposed development will meet all other bulk (setback) requirements.
9. The property drains toward Chestnut Street and will continue to do so.
10. Based upon the testimony of the applicant, which the Board accepts as credible, numerous other properties in the area have similar improvements, and there are no existing problems with runoff on the subject or adjoining properties. The Board Engineer concurred that the proposed grading will maintain existing flow patterns and does not appear to present any significant issues.
11. No public comment was offered concerning the application.

Conclusions of Law:

The Board finds that the proposed impervious lot coverage variance can be granted pursuant to NJSA 40:55D-70(c)(2), because the in ground pool with surrounding concrete deck is an amenity which is common within the neighborhood of the subject property, and the benefit to the overall community of adding this amenity to this property as well substantially outweighs any detriments which could flow from the proposed deviation from strict application of the ordinance standards. In light of the lack of run off issues from this site and the conditions of approval to be set forth below, any detriment to the public good or zone plan which could result from the proposed is minimal. Therefore, the Board finds it appropriate, subject to appropriate conditions, to grant the requested variance.

NOW, THEREFORE, BE IT RESOLVED by the Florence Township Zoning Board of Adjustment in the County of Burlington and State of New Jersey that the application of Mitchell and Kathryn Pykosz seeking an impervious lot coverage variance to permit construction of a 12 ft. x 24 ft. in ground pool with a 3 ft. wide concrete deck, at an 10,000 sq. ft. property located at 91 Wilbur Henry Drive, and known on the official Tax Map of the Township of Florence as Block 54, Lot 7, be, and hereby is, **APPROVED**, subject to the following conditions:

1. No additional stormwater shall be directed toward adjoining properties as a result of the proposed development;
2. Compliance with Township ordinance requirements concerning submission of a grading plan at the time of application for a construction permit;
3. Compliance with all federal, state, county and local laws, rules, regulations and any other governmental approvals which may be required in implementation of this development, including but not limited to the Uniform Construction Code;
4. All taxes and escrow fees for professional review must be paid current and in full.
5. Publication of a brief notice of this decision in the official newspaper of the municipality within 10 days of the date hereof.

The conditions of this approval shall run with the land and be binding on all successors in interest, purchasers and assignees. In the event that the applicant does not implement this approval within one year of the date hereof, this approval shall be void, unless, for good cause shown, the applicant seeks extension thereof.

MOTION TO APPROVE APPLICATION:

Moved by : Ms. Mattis
Seconded by : Mr. Lutz
In Favor : Ms. Mattis, Mr. Lutz, Mr. Buddenbaum, Mr. Cartier,
Mr. Puccio, Mr. Sovak, Chairman Patel
Opposed : None
Recused : None
Absent : None

MOTION TO ADOPT RESOLUTION:

Moved by : Mr. Puccio
Seconded by : Mr. Buddenbaum
In Favor : Mr. Puccio, Mr. Buddenbaum, Mr. Cartier, Mr. Lutz, Chair Patel
Opposed : None
Abstained : None
Absent : Ms. Mattis, Mr. Sovak

**FLORENCE TOWNSHIP
ZONING BOARD OF ADJUSTMENT**

Dated: 9/3/2020

Anant Patel, Chairman

CERTIFICATION

BE IT REMEMBERED that the within written Resolution was duly adopted at a regular meeting of the Florence Township Zoning Board of Adjustment held on September 3, 2020 and memorializes a decision taken by the Board on August 3, 2020.

Dated: 9/03/2020

Larry Lutz, Secretary